# UNITED STATES DISTRICT COURT
## FOR THE NORTHERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
N. DIST. OF TX
FILED

2019 JUL -3 AM 9:42

DEPUTY CLERK

Louis I Gonzalez
Plaintiff

v.

First Financial Bank
Defendant

1-19CV-149 C
Civil Action No.

**COMPLAINT**

First Financial Bank violated civil rigth and ADA by baring me from United store because FFB branch office — Dismissal of the case based on agree ment to terms that I would not enter United Stor. or visit any FFB. Ask Court to review cases involving me - Harper McAuliffe

* Attach additional pages as needed.

Date

Signature

Print Name Louis I Gonzalez

Address 302 N. Mockingbird Ln # 118

City, State, Zip Abilene Tx 79603

Telephone (325) 271-7563

# UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____ Division

Louis I Gonzalez

*Plaintiff(s)*

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

First Financial Bank

*Defendant(s)*

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

Case No. _____

*(to be filled in by the Clerk's Office)*

Jury Trial: *(check one)* ☐ Yes ☐ No

## *COMPLAINT FOR A CIVIL CASE*

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|---|---|
| Name | Louis I Gonzalez |
| Street Address | 302 N. Mockingbird Ln Apt 18 |
| City and County | Abilene Taylor |
| State and Zip Code | Texas 79603 |
| Telephone Number | (325) 271-7563 |
| E-mail Address | Lugee53@yahoo.com |

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name: First Financial Bank

Job or Title *(if known)*: Banking

Street Address: 400 Pine St

City and County: Abilene / Taylor

State and Zip Code: Texas 79601

Telephone Number: 325 - 627 - 7200

E-mail Address *(if known)*:

Defendant No. 2

Name:

Job or Title *(if known)*:

Street Address:

City and County:

State and Zip Code:

Telephone Number:

E-mail Address *(if known)*:

Defendant No. 3

Name:

Job or Title *(if known)*:

Street Address:

City and County:

State and Zip Code:

Telephone Number:

E-mail Address *(if known)*:

Defendant No. 4

Name:

Job or Title *(if known)*:

Street Address:

City and County:

State and Zip Code:

Telephone Number:

E-mail Address *(if known)*:

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than $75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. ADA - First Financial & State of Texas - had me agree to terms in order to have Class B misd case dismiss - a that I would not enter a grocery store where breach of the peace DFFB.

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* Lou G I Gonzalez, is a citizen of the State of *(name)* Texas.

b. If the plaintiff is a corporation

The plaintiff, *(name)* N/A, is incorporated under the laws of the State of *(name)* N/A, and has its principal place of business in the State of *(name)* N/A.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* N/A, is a citizen of the State of *(name)* N/A. Or is a citizen of *(foreign nation)* N/A.

b. If the defendant is a corporation
The defendant, *(name)* ~~TVS~~ First Financial Bank, is incorporated under the laws of the State of *(name)* Texas, and has its principal place of business in the State of *(name)* Texas.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* Abilene Texas.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy 6.5 million in damages

The amount in controversy–the amount the plaintiff claims the defendant owes or the amount at stake–is more than $75,000, not counting interest and costs of court, because *(explain)*:

---

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

First Financial Bank has denied me services of United Grocery because branch office in the store. If seen that would be arrest

---

## IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Under ADA violated my civil rights and denied me service of United store.

## V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case–related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 3rd 2019

Signature of Plaintiff

Printed Name of Plaintiff Louis A Gonzalez

### B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

**U.S. Department of Justice**

Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Avenue N.W.
Washington, DC 20530

Louis Gonzalez
302 N Mockingbird Lane Apt. 118
Abilene, TX 79603

MAR 2 2 2019

Re: First Financial Bank of Abilene Texas

Dear Mr. Gonzalez:

This is in response to the complaint that you filed with this office alleging a possible violation of the Americans with Disabilities Act (ADA). After carefully reviewing the information that you provided, we have decided not to take any further action on your complaint. Unfortunately, because the Section receives thousands of ADA complaints each year, we do not have the resources to resolve all of them.

It is important to note that the Justice Department has made no determination regarding the merits of your complaint or whether it could be redressed under the ADA or another statute. Moreover, our decision not to take further action does not affect your right to pursue your complaint in another manner. You may wish to contact an attorney or legal service provider to determine what remedies may be available.

In addition, a number of other options are available to you, including consulting state or local authorities or disability rights groups. Enclosed is a list of such organizations serving your area. These listings come from various sources, and our office cannot guarantee that the listings are current and accurate. We suggest that if you contact any of these organizations, you let them know that you have received this letter from us, so that they will not forward your complaint to our office.

The text of the ADA, the Department's regulations, and many technical assistance publications are provided on our ADA Home Page at http://www.ada.gov. If you have specific questions about Title II or III of the ADA, or want copies of technical assistance publications sent to you, you may call the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY).

We regret that we are unable to further assist you in this matter.

Sincerely,

Carmen Romero
Director of Intake Unit
Disability Rights Section

Enclosures
650567

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

| | | |
|---|---|---|
| LOUIS I. GONZALEZ, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| v. | ) | |
| | ) | |
| FIRST FINANCIAL BANK OF ABILENE, TX, | ) | |
| | ) | |
| | ) | |
| Defendant. | ) | Civil Action No. 1:18-CV-144-C |

**ORDER**

The Court, having considered Plaintiff Louis I. Gonzalez's Application to Proceed *In Forma Pauperis*, filed September 14, 2018, is of the opinion that the same should be **DENIED** for the reasons set forth in the Court's Order of even date.

SO ORDERED this 24th day of October, 2018.

SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

| | | |
|---|---|---|
| LOUIS I. GONZALEZ, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| v. | ) | |
| | ) | |
| FIRST FINANCIAL BANK | ) | |
| OF ABILENE, TX, | ) | |
| | ) | |
| Defendant. | ) | Civil Action No. 1:18-CV-144-C |

**SUA SPONTE ORDER**

On September 14, 2018, Louis I. Gonzalez ("Plaintiff"), proceeding *pro se*, filed the above-styled and -numbered civil action against First Financial Bank of Abilene. Plaintiff's Complaint contains a single paragraph, which provides:

> In accordance with [the] American Disability Act [and having] been diagnosed with and treated for bipolar schizophrenia and post traumatic stress. Mr. Tennesson of First Financial Bank had made [the] decision [to] close[] my account based on [the fact] that I went into the Bank and acted out [of] order and [was] loud. I told him I suffer [from] mental illness and he stated "[i]t's not my problem and I don't care." At this point[,] I feel discriminated [against]. (revisions added).[1]

Federal Rule of Civil Procedure 8(a) requires that "[a] pleading that states a claim for relief must contain (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support; [and] (2) a short and plain statement of the claim showing that the pleader is entitled to relief." The Rule was created to "give the defendant fair notice of what the . . . claim is and the grounds upon

[1] Plaintiff's Complaint also contains an Exhibit transcribing the events that occurred.

which it rests." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 545 (2007) (internal quotation marks citations omitted).

The Court recognizes that complaints filed by *pro se* litigants are held "to less stringent standards than formal pleadings drafted by lawyers." *Mendoza v. Strickland*, 414 F. App'x 616, 618 (5th Cir. 2011). "However, even a liberally construed *pro se* civil rights complaint . . . must set forth facts giving rise to a claim on which relief may be granted." *Id.* A review of Plaintiff's Complaint demonstrates Plaintiff has failed to satisfy the standards imposed by Rule 8(a). The Complaint fails to adequately plead the Court's jurisdiction. Further, the Complaint fails to clearly indicate and provide the Defendant with notice of the claim being brought and the grounds upon which it rests. Accordingly, the Court *sua sponte* orders Plaintiff's Complaint be **DISMISSED** without prejudice.[2]

SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

[2] If so desired, Plaintiff may refile his Complaint in accordance with the standards imposed by Fed. R. Civ. P. 8(a).

# CAD Call: 13:44 08/22/2018 Dis Progress

| | | | |
|---|---|---|---|
| **When Reported:** 13:44:24 08/22/2018<br>**Address:** 400 PINE ST<br>ABILENE<br>**Directions:**<br>**Occurred between:** 13:44:24 08/22/2018 and 13:44:24 08/22/2018<br>**Contact:**<br>**Phone:** | *Complainant*<br>**Name:**<br>**Address:**<br>**Race:**<br>**Sex:**<br>**Phone:**<br>**Birth Date:** | **Call ID:** 18148753<br>**Type:** I<br>**Alarm #:** |

**Other Information:** ⊞

**Comments:** ⊟

13:45:14 08/22/2018 - KING K - From: THOMPSON D
start another unit until i know what is going on
13:46:53 08/22/2018 - BOYD-FALCON J - From: THOMPSON D
call from samantha an employee at bank stating male subj in khakis with a blue and white shirt making other feel uncomfortable. t23
13:52:01 08/22/2018 - BOYD-FALCON J - From: MCGUIRE T
gonzalez,louis
13:53:28 08/22/2018 - BOYD-FALCON J
id and dl not eligible, no 29/no locals
13:54:10 08/22/2018 - KENNEYBREW D
B82: ST
13:59:20 08/22/2018 - MCGUIRE T
Unit B82 has replaced Unit T26 as the responsible unit on call 2701
14:00:57 08/22/2018 - MCGUIRE T
louis gonzalez wm was upset about over charges. the employees at the bank offered to help but he was to upset and wanted to go to the Willis branch to conduct his business. louis left. t200
14:01:07 08/22/2018 - MCGUIRE T
t200

**State Returns:** ⊞ 13:53:11 08/22/2018 - BOYD-FALCON J

**Involvements:** ⊞ Law - 08/22/2018 - Dis Progress - Initiating Call

Refresh Data

CAD Call - 15:08 08/27/2018 Dis Progress

# CAD Call: 15:08 08/27/2018 Dis Progress

| | | | |
|---|---|---|---|
| **When Reported:** | 15:08:57 08/27/2018 | *Complainant* | **Call ID:** 18152024 |
| **Address:** | 400 PINE ST; first financial<br>ABILENE | **Name:** | **Type:** I |
| **Directions:** | | **Address:** | **Alarm #:** |
| **Occurred between:** | 15:07:32 08/27/2018 and 15:07:32 08/27/2018 | **Race:** | |
| **Contact:** | T14 | **Sex:** | |
| **Phone:** | | **Phone:** | |
| | | **Birth Date:** | |

**Other Information:** ±

**Comments:** ±

male lsw bbc teal shirt causing a t16 ref to leave.
15:26:22 08/27/2018 - SOLIZ E - From: PLATO J
ITS T4 STOP TIMER
15:41:23 08/27/2018 - HOLDEN C
CONTACTED CP WHO STATED THAT GONZALES, LOUIS H/M WAS CAUSING A DISTURBANCE IN THE BANK LOBBY AND REFUSING TO LEAVE. THE MANAGER OF FIRST FINANCIAL, TENNESSON, CHUCK W/M WISHED TO CRIMINALLY TRESPASS MR. GONZALES FROM ALL FIRST FINANCIAL BANK BRANCHES INDEFINATELY. I WARNED MR. GONZALES OF THE CRIMINAL TRESPASS FROM ALL FIRST FINANCIAL INSTITUTIONS INDEFINATLEY. MR. GONZALES WAS THEN INSTRUCTED TO LEAVE. THE BANK STAFF WERE INSTRUCTED TO CALL APD IF MR. GONZALES RETURNS WITHOUT A POLICE ESCORT.
15:45:29 08/27/2018 - HOLDEN C
CRIMINAL TRESPASS WARNING WAS ENTERED INTO SPILLMAN.
15:45:47 08/27/2018 - HOLDEN C
T200

**Radio Logs:** ± 15:45:47 08/27/2018 - CMPL

**Involvements:** ± Law - 08/27/2018 - Dis Progress - Initiating Call

Refresh Data

# ABILENE POLICE DEPARTMENT

Public Arrest Report for Case Number 18-077176

**Nature:** CMTR Progress

**Address:** 920 N WILLIS ST; First Financial in United
ABILENE TX 79603

**Area:** LA35

## Arrest Information:

**Name:** GONZALEZ, LOUIS ISMAEL
**Race:** U **Sex:** M **Hgt:** 6'00" **Wgt:** 240 **Hair:** BLK **Eyes:** BRO
**Employer:**

**Time/Date:** 14:17:12 08/29/18 **Agency:** APD
**Age at Arrest:** 65 **Location:** 920 N WILLIS ST; First Financial in United **Officer:** PLATO J

**Arrest Type:** Custody Arrest
**Disposition:**

**Probable Cause Statement:**
THE DEF WAS PREVIOUSLY WARNED OF CRIMINAL TRESPASS FROM ALL FIRST FINANCIAL BANKS BY AN OFFICER ON 8/27/18. AT THAT TIME, THE DEF ADVISED THE OFFICER THAT HE UNDERSTOOD THE WARNING AND HE AGREED NOT TO RETURN TO THE BUSINESS. ON THIS DAY, THE DEF RETURNED TO THE BUSINESS TO CLOSE OUT HIS SAVINGS ACCOUNT EVEN THOUGH HE KNEW HE WASN'T ALLOWED BACK AT THE BUSINESS. OFFICERS WERE DISPATCHED TO THE ABOVE ADDRESS FOR A CRIMINAL TRESPASS IN PROGRESS AND CAME IN CONTACT WITH THE DEF AT THE LOCATION. A REPRESENTATIVE ON THE BEHALF OF THE BUSINESS INFORMED THE OFFICERS THAT THE BUSINESS WISH TO PURSUE CHARGES AGAINST THE DEF FOR THE OFFENSE. THE DEF WAS ARRESTED FOR CLASS B MISDEMEANOR CRIMINAL TRESPASS AND TRANSPORTED TO TAYLOR COUNTY JAIL.

### Offense # 11101

**Statute:** 30.05(a) **NCIC:**
**Offense:** TRPR Trespass of Real Property **Crime Class:** MB
**Offense Reference:** **Offense Type:** S **Offense Area:** LA35
**Related Incident:** 18-077176 **Law Jurisdiction:** PC
**Offense Location:**
**Offense Time/Date:** 14:17:12 08/29/18
**Offense Disposition:** **Disposition Date:** **/**/**

## Vehicles

**Make:** FORD FORD (ALSO SEE ENGLISH, FRENCH **Model:** ESCAPE

**Vehicle Year:** 2005 **Color:** SIL /
**Vehicle Type:** Passenger Car **Value:** $0.00

**Last:** **First:** **Mid:**

## Offender

**Last:** GONZALEZ **First:** LOUIS **Mid:** ISMAEL
**Race:** U **Sex:** M **Age:** 65
**APD #:**

## Reporting Party

**Last:** PEQUENO **First:** ANNA **Mid:** MARIE
**Race:** W **Sex:** F **Age:** 46
**APD #:** 069190

## Narrative

A REPRESENTATIVE OF A BUSINESS LOCATED ON THE NORTH SIDE OF TOWN REPORTED A KNOWN SUSPECT, A 65 YEAR OLD HISPANIC MALE, WAS ON THEIR PROPERTY AFTER HE HAD BEEN WARNED OF CRIMINAL TRESPASS. THE OFFENDER WAS CONTACTED AT THE BUSINESS AND ARRESTED FOR B MISDEMEANOR CRIMINAL TRESPASS. THE REPRESENTATIVE GAVE A WRITTEN STATEMENT ON THE BEHALF OF THE BUSINESS ADVISING THAT THEY WANTED TO PRESS CHARGES.

FIRST FINANCIAL BANK NA

Member FDIC

Certified Mail with Return Receipt
First Class Mail

August 23, 2018

Mr. Louis Ismael Gonzalez
302 N. Mockingbird Ln, Apt 118
Abilene, TX 79603-7140

Dear Mr. Gonzalez,

First Financial Bank will close your account (with account number ending in 2653) in 45 days (October 8, 2018). If you still have funds in the account on that date, we will send you a Cashier's Check for the balance.

Should you wish to discuss this further, you may contact me directly at 325.627.7224.

Respectfully,

Chuck Tennesson
Cashier

FIRST FINANCIAL BANK NA
PO Box 701, Abilene, TX 79604

Member FDIC

**********AUTO**ALL FOR AADC 795
1603 0.5860 AB 0.408 6 1 10

Louis Ismael Gonzalez
302 N Mockingbird Ln Apt 118
Abilene TX 79603-7140

325-627-7200

NOTICE OF ITEMS WITH NONSUFFICIENT FUNDS

Account 8110062653 Date 8/01/18

Please deduct a handling charge of: 35.00

The items listed below have either been paid (PD) or returned (RT).

| CHECK # | AMOUNT | | CHECK # | AMOUNT |
|---|---|---|---|---|
| 85 | 800.00 | PD | | |

STMTS080220180000246900161601011000000

Notice to Consumer Accountholders

Training is now available regarding how to prevent Non Sufficient funds on your account and the resulting fees. This training is located online through First Financial Bank's website at

# Progress Notes



history to determine whether or not he has had manic or hypomanic episodes. Today he is again fidgety in his seat, hyperverbal - as he is trying to get everything he wants to express, out.
I let him vent frustrations about eviction and his banking institution issues.
He stated that after his latest altercation with an employee from Chase, he became more upset and despondent. He stated he "didn't want to take my medication b/c I thought I might want to overdose with the medicine, but I didn't. I just started taking the meds again this past Saturday, but at half doses". He denied being currently suicidal or homicidal. Discussed his not taking his medications as ordered. Reminded him that his medications will help his thought processes. He agreed to take the medications as ordered.
He stated he has a Radiology appt tomorrow and C & P exam on the 17th.

Pt. verbalized understanding of this information and
agreed to the plan as outlined below.

DSM-V Psychiatric Diagnosis:
1. MDD, recurrent severe w/ psychotic features - F33.3 (vs Schizoaffective D.O, Bipolar Type)
2. GAD - F41.1

Patient Goals:
To achieve mood stabilization, experience reduced depression and anxiety.
To have better sleep.
To take a medication that doesn't give me side effects

Will recheck goals for improvement at 3, 6, 9 and 12 month intervals

Criteria for Discharge:
Remission of depression and anxiety

Rationale for continued treatment:
Patient goals not met
Criteria for discharge not met
Not in sustained remission of depression and anxiety

PLAN:
1. a. Resume Sertraline 25 mg PO QD
   b. Resume Quetiapine 75 PO QHS
2. Lab work ordered today: no
3. Practice Good Sleep Hygiene - handout given
4. Continue to follow w/ medical for his medical needs - having significant knee problems
5. Recommend continue therapy w/ Gary Muramoto, LCSW
6. Continue w/ HUD/VASH

RTC: 1 month

# Progress Notes



V/S:

| DATE/TIME | TEMP | PULSE | RESP | BP | HEIGHT | WEIGHT |
|---|---|---|---|---|---|---|
| 10/11/17 @ 1300 | 98.5 | 72 | 18 | 123/75 | | 223 |

| DATE/TIME | TEMP | PULSE | RESP | BP | HEIGHT | WEIGHT |
|---|---|---|---|---|---|---|
| 9/18/17 @ 1258 | 98.6 | 84 | 16 | 123/81 | 72" | 226 |

Review of Systems: A 12 point review of systems including head, eyes, ears, nose, throat, cardiac, pulmonary, GI, GU, neurologic, and psychiatric systems and found them all to be unremarkable with the exception of the pertinent positives as listed above.

Mental Status/Psychiatric Exam:
Appearance: Casual, he is using a cane today for ambulation
Attitude: Cooperative and engages well
Motor Activity: fidgety
Mood: Frustrated
Affect: congruent
Speech: somewhat garbled, but understandable. Hyperverbal, disorganized at times.
Thought Process: Intact today
Hallucinations: Not present
Delusions: Grandiose, percusatory
Judgment: Fair Insight: Fair
Suicidal/Homicidal: No thoughts
Sensorium: Alert and Clear
Orientation: Alert and Clear
Attention: Normal
Memory: not tested
Ability to Give History: Reliable

Substance Abuse: No. ALCOHOL: Drinks 1 or 2 drinks occasionally. Previously a "heavy drinker"

Clinical Reminders: yes

Suicide Risk Assessment:
1. SUICIDAL IDEATION, THREATS, OR SELF-HARM: Denied
2. RISK FACTORS IDENTIFIED: financial stressors, may be homeless soon, delusional
3. PROTECTIVE FACTORS IDENTIFIED: No recent suicide attempt, denies access to firearms.
4. ESTIMATED RISK LEVEL: Low Acute Risk

Impression: GONZALEZ,LOUIS ISMAEL is a 64 y/o WHITE MALE who has been diagnosed with MDD severe with psychosis (vs Schizoaffective D.O, Bipolar Type) and GAD. We spent time discussing bipolar disorder and criteria he would need to meet to be given that diagnosis. I have not been able to obtain a clear timeline

**DEPARTMENT OF VETERANS AFFAIRS**
**Veterans Benefits Administration**
**Regional Office**

**LOUIS GONZALEZ**

**VA File Number**
**455 98 2100**

**Represented By:**
**TEXAS VETERANS COMMISSION**
**Rating Decision**
**02/25/2018**

## INTRODUCTION

The records reflect that you are a veteran of the Peacetime. You served in the Army from September 4, 1975, to September 1, 1978 and from January 26, 1979, to March 8, 1988. You filed a new claim for benefits that was received on December 21, 2017. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

## DECISION

1. Service connection for radiculopathy, femoral nerve, left leg is granted with an evaluation of 10 percent effective December 19, 2017.

2. Service connection for degenerative disc disease, lumbar spine is granted with an evaluation of 20 percent effective December 19, 2017.

3. Service connection for degenerative arthritis, right knee is granted with an evaluation of 10 percent effective December 19, 2017.

4. Service connection for radiculopathy, femoral nerve, right leg is granted with an evaluation of

10 percent effective December 19, 2017.

5. Service connection for radiculopathy, sciatic nerve, left leg is granted with an evaluation of 10 percent effective December 19, 2017.

6. Service connection for radiculopathy, sciatic nerve, right leg is granted with an evaluation of 10 percent effective December 19, 2017.

7. Service connection for bipolar schizophrenic disorder is denied.

## EVIDENCE

- Service treatment records from September 4, 1975, to September 1, 1978 and from January 26, 1979, to March 8, 1988 received May 20, 2014.
- VA Form 21-0966, Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC, received December 19, 2017 and January 3, 2018.
- VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, received December 21, 2017.
- Treatment records from VA Medical Center Big Spring dated May 7, 2014 to February 23, 2018, received February 24, 2018.
- Letter from VA sent to you on January 9, 2018.
- VES Knee and Lower Leg Examination, David Makia, NP, dated January 29, 2018.
- VES Back Examination, David Makia, NP, dated January 29, 2018

## REASONS FOR DECISION

**1. Service connection for radiculopathy, femoral nerve, left leg.**

Service connection for radiculopathy, femoral nerve, left leg has been established as directly related to military service.

An evaluation of 10 percent is assigned from December 19, 2017, the date your Intent to File was received as your Formal Claim was received within one year of that date.

We have assigned a 10 percent evaluation for your radiculopathy, femoral nerve, left leg based on:
- Mild incomplete paralysis

A higher evaluation of 20 percent is not warranted for paralysis of the anterior crural nerve unless the evidence shows nerve damage is moderate.

**2. Service connection for degenerative disc disease, lumbar spine as secondary to the service-connected disability of patellofemoral pain syndrome, left knee (previously rated as**

February 28, 2018

LOUIS ISMAEL GONZALEZ
302 N MOCKINGBIRD LN
APT 118
ABILENE TX 79603

# We made a decision on your VA benefits.

Dear Louis Gonzalez,

This letter will guide you through the information you should know and steps you may take now that VA has made a decision about your benefits.

## Your benefit information:

- Service connection for radiculopathy, femoral nerve, right leg is granted with an evaluation of 10 percent effective December 19, 2017.
- Service connection for radiculopathy, sciatic nerve, right leg is granted with an evaluation of 10 percent effective December 19, 2017.
- Service connection for degenerative arthritis, right knee is granted with an evaluation of 10 percent effective December 19, 2017.
- Service connection for radiculopathy, sciatic nerve, left leg is granted with an evaluation of 10 percent effective December 19, 2017.
- Service connection for degenerative disc disease, lumbar spine is granted with an evaluation of 20 percent effective December 19, 2017.
- Service connection for radiculopathy, femoral nerve, left leg is granted with an evaluation of 10 percent effective December 19, 2017.
- Service connection for bipolar schizophrenic disorder is denied.

Your combined rating evaluation is:

| Combined Rating Evaluation | Effective Date |
|---|---|
| 20% | Jan 29, 2010 |

**We have included with this letter:**

1. Explanation of Payment
2. Additional Benefits
3. Where to Send Written Correspondence
4. VA Form 4107
5. VA Form 21-0958
6. Rating Decision

**Contact information:**

Web: www.vets.gov
Phone: 1-800-827-1000
TDD: 711
To send questions online: visit https://iris.va.gov

**Social Media:**

Twitter: @VAVetBenefits
Facebook: www.facebook.com/VeteransBenefits

**Your representative:**

You appointed TEXAS VETERANS COMMISSION as your accredited representative. They have also received a copy of this letter.

They can help you with any questions you have about your claim.

If you or someone you know is in crisis, call the Veterans Crisis Line at 1-800-273-8255 and press 1.

| Combined Rating Evaluation | Effective Date |
|---|---|
| 40% | Apr 9, 2010 |
| 50% | Sep 18, 2017 |
| 50% | Oct 16, 2017 |
| 80% | Dec 19, 2017 |

## How VA Combines Percentages

If you have more than one condition, VA will combine percentages to determine your overall disability rating. The percentages assigned for each of your conditions may not always add up to your combined rating evaluation. The following website has additional information about how VA combines percentages: http://www.benefits.va.gov/compensation/rates-index.asp#howcalc.

Your monthly entitlement amount is shown below:

| Monthly Entitlement Amount | Payment Start Date | Reason |
|---|---|---|
| $1,587.25 | Jan 1, 2018 | Compensation Rating Adjustment |

We are currently paying you as a single Veteran with no dependents.

You should receive your first payment within 7-10 days of this notice.

See **Explanation of Payment** for more details about your payment.

Your payment will be directed to the financial institution and account number that you specified. To confirm when your payment was deposited, please contact your financial institution.

If this account is no longer open,

***please notify us immediately.***

## Evidence Considered

In making our decision, in addition to the evidence listed in the Rating Decision, we considered the following evidence:

| Rating Decision | *Department of Veterans Affairs*<br>*Veterans Benefits Administration* | | |  |
|---|---|---|---|---|
| NAME OF VETERAN<br>LOUIS GONZALEZ | VA FILE NUMBER<br>455 98 2100 | SOCIAL SECURITY NR<br>455-98-2100 | POA<br>TEXAS VETERANS COMMISSION | COPY TO |

80% from 12/19/2017 (Bilateral factor of 6.7 Percent for diagnostic codes 8526, 8520, 8526, 8520, 5260, 5260, 5276, 5271)

**NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSCPeacetime)**

5203 DISLOCATION OF RIGHT SHOULDER, RESIDUALS
Not Service Connected, Not Incurred/Caused by Service

Original Date of Denial: 03/23/2010

9204 BIPOLAR SCHIZOPHRENIC DISORDER
Not Service Connected, No Diagnosis

eSign: certified by VSCLBANE, RVSR

| Rating Decision | *Department of Veterans Affairs*<br>*Veterans Benefits Administration* | | Page 2 of 3<br>02/25/2018 | |
|---|---|---|---|---|
| NAME OF VETERAN<br>LOUIS GONZALEZ | VA FILE NUMBER<br>455 98 2100 | SOCIAL SECURITY NR<br>455-98-2100 | POA<br>TEXAS VETERANS COMMISSION | COPY TO |

| | |
|---|---|
| 5260 | PATELLOFEMORAL PAIN SYNDROME, LEFT KNEE (PREVIOUSLY RATED AS DEGENERATIVE ARTHRITIS OF THE LEFT KNEE)<br>Service Connected, Peacetime, Incurred<br>Static Disability<br>0% from 03/09/1988 (5003-5257)<br>10% from 01/29/2010 (5299-5257)<br>10% from 10/16/2017 |
| 5003-5260 | DEGENERATIVE ARTHRITIS, RIGHT KNEE ASSOCIATED WITH PATELLOFEMORAL PAIN SYNDROME, LEFT KNEE (PREVIOUSLY RATED AS DEGENERATIVE ARTHRITIS OF THE LEFT KNEE)<br>Service Connected, Peacetime, Secondary<br>Static Disability<br>10% from 12/19/2017 |
| 8520 | RADICULOPATHY, SCIATIC NERVE, RIGHT LEG ASSOCIATED WITH DEGENERATIVE DISC DISEASE, LUMBAR SPINE<br>Service Connected, Peacetime, Secondary<br>Static Disability<br>10% from 12/19/2017 |
| 8520 | RADICULOPATHY, SCIATIC NERVE, LEFT LEG ASSOCIATED WITH DEGENERATIVE DISC DISEASE, LUMBAR SPINE<br>Service Connected, Peacetime, Secondary<br>Static Disability<br>10% from 12/19/2017 |
| 8526 | RADICULOPATHY, FEMORAL NERVE, RIGHT LEG ASSOCIATED WITH DEGENERATIVE DISC DISEASE, LUMBAR SPINE<br>Service Connected, Peacetime, Secondary<br>Static Disability<br>10% from 12/19/2017 |
| 8526 | RADICULOPATHY, FEMORAL NERVE, LEFT LEG<br>Service Connected, Peacetime, Incurred<br>Static Disability<br>10% from 12/19/2017 |
| 6100 | BILATERAL SENSORINEURAL HEARING LOSS<br>Service Connected, Peacetime, Aggravated<br>Static Disability<br>0% from 11/17/1995 |

***COMBINED EVALUATION FOR COMPENSATION :***

0% from 03/09/1988
20% from 01/29/2010
40% from 04/09/2010
50% from 09/18/2017

File Number: 455982100
GONZALEZ, LOUIS I

| | |
|---|---|
| | *Correspondence* chart, below. |

In all cases, be sure to refer to your VA file number 455982100.

If you are looking for general information about benefits and eligibility, you should visit our web site at https://www.va.gov or search the Frequently Asked Questions (FAQs) at https://iris.va.gov.

We sent a copy of this letter to TEXAS VETERANS COMMISSION, who you have appointed as your representative(s). If you have questions or need assistance, you can also contact your representative.

Thank you for your service,

**Regional Office Director**

Enclosure(s): VA Form 4107
VA Form 21-0958
Where to Send Written Correspondence Chart

cc: TEXAS VETERANS COMMISSION

FILED FOR RECORD

JUN 2 1 2019

Larry G. Bevill
County Clerk, Court at Law, Taylor C., Texas
Deputy

CAUSE NO. 1-1025-18

PID/SO # 1345158

| | | |
|---|---|---|
| THE STATE OF TEXAS | § | IN THE COUNTY COURT AT LAW #1 |
| V.S. | § | OF |
| LOUIS ISMAEL GONZALEZ | § | TAYLOR COUNTY, TEXAS |

Charge: CRIMINAL TRESPASS Class B Misdemeanor
Offense Date: 8/29/2019

## MOTION TO DISMISS

NOW COMES the State of Texas, acting herein by and through its Criminal District Attorney, and requests the Court to dismiss the above entitled and numbered cause for the following reason:

DISMISS WITHOUT PREJUDICE WITH STIP. OF EVID. AND AGREEMENT NOT TO APPEAR AT FIRST FINANCIAL BANK LOCATION.

WHEREFORE, the State of Texas asks the Court to dismiss this cause for the above reason.

Assistant District Attorney

## ORDER OF DISMISSAL

On this the 20 day of June, 2019 came on to be heard the above and foregoing Motion, wherein the State of Texas, acting by and through its Criminal District Attorney, requests the Court to dismiss this cause for the reason set out above.

And, the Court, having duly considered said Motion, and being satisfied as to the truth of the matters herein set forth, is of the opinion that said cause be, and the same is hereby dismissed, of which the Clerk of this Court will take due notice.

JUDGE PRESIDING

STATE OF TEXAS
COUNTY OF TAYLOR
Certified to be a True and Correct copy
of the original in my custody
File# 1-1025-18
Given under my hand and seal of office
Dated _____ AD 20 19
Larry G. Bevill
Clerk of County Court at Law Taylor County, Texas
By _____

CLERK OF THE COUNTY COURT AT LAW OF TAYLOR COUNTY, TEXAS

True and correct copy of original filed in the Taylor County Clerk's Office

FILED FOR RECORD

JUN 21 2019

Larry G. Bevill
County Clerk, Court at Law, Taylor C., Texas
Deputy

CAUSE NO. 1-1075-18
PID 1345158

| | | |
|---|---|---|
| THE STATE OF TEXAS | § | IN THE COUNTY COURT AT LAW #1 |
| | § | |
| VS. | § | OF |
| | § | |
| LOUIS GONZALEZ | § | TAYLOR COUNTY, TEXAS |

## STIPULATION OF EVIDENCE

COMES NOW, LOUIS ISMAEL GONZALEZ, the defendant in the above entitled and numbered cause, in writing and in Open Court, and consents to the stipulation of the evidence in this cause, and in so doing expressly waives the appearance, confrontation and cross-examination of witnesses. I further consent to the introduction of testimony by affidavits, written statements of witnesses, and other documentary evidence. Accordingly, having waived my Federal and State constitutional right against self-incrimination, and after having been sworn, upon oath, I judicially confess to the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case.

My name is LOUIS ISMAEL GONZALEZ and I am the defendant in the above styled cause. I understand that I am charged with the offense of CLASS B CRIMINAL TRESPASS.

On or about the 29th day of August, 2018, in Taylor County, Texas, I, LOUIS ISMAEL GONZALEZ, did then and there intentionally and knowingly enter a building of another, namely FIRST FINANCIAL BANK, without the effective consent of the said FIRST FINANCIAL BANK, and I, LOUIS ISMAEL GONZALEZ, had notice that the entry was forbidden. I, LOUIS ISMAEL GONZALEZ, acknowledge that I was criminally trespassed from all FIRST FINANCIAL BANK locations on or about the 27th day of August, 2018. I, LOUIS ISMAEL GONZALEZ understand that this warning shall remain in effect indefinitely.

I, LOUIS ISMAEL GONZALEZ, further agree to no longer enter onto the property of UNITED SUPERMARKETS located at 920 North Willis Street, Abilene, Texas. I, LOUIS ISMAEL GONZALEZ, understand that this *Stipulation of Evidence* may be used against me in future prosecutions for either the aforementioned trespass and/or future trespasses against FIRST FINANCIAL BANK.

Defendant

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on the 19th day of June, 2019.

NOTARY PUBLIC STATE OF TEXAS
HELEN MARR
Notary Public, State of Texas
NOTARY ID # 12663867-3
My Commission Exp 08-25-20

Notary Public, Taylor County, Texas

APPROVED:

Attorney for Defendant

APPROVED BY THE COURT:

Judge Presiding

STATE OF TEXAS
COUNTY OF TAYLOR
Certified to be a True and Correct copy
of the original in my custody
File# 1-1075-18
Given under my hand and seal of office
Dated June 20 AD 20 19
Larry G. Bevill
Clerk of County Court at Law Taylor County, Texas
By
MACHELLE GREEN

COUNTY COURT AT LAW OF TAYLOR COUNTY TEXAS

True and correct copy of original filed in the Taylor County Clerks Office